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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NETFLIX, INC., a Delaware corporation,

Plaintiff,

vs.

BLOCKBUSTER INC., a Delaware corporation,  
DOES 1-50,

Defendants.

CASE NO. C 06 2361 WHA (JCS)

**[PROPOSED] ORDER GRANTING  
BLOCKBUSTER'S MOTION TO  
COMPEL FURTHER RESPONSES  
TO ITS FIRST SET OF REQUESTS  
FOR PRODUCTION**

Date: December 8, 2006  
Courtroom: A, 15th Floor  
Time: 9:30 a.m.  
Judge: Hon. Joseph C. Spero

Complaint Filed: April 4, 2006

AND RELATED COUNTER ACTION.

Blockbuster's Motion to Compel Further Responses to Its First Set of Requests for Production came on regularly for hearing by this Court on December 8, 2006, the Honorable Joseph C. Spero, United States Magistrate Judge, presiding. Marshall B. Grossman and William J. O'Brien of Alschuler Grossman Stein & Kahan LLP appeared for Defendant and Counterclaimant, Blockbuster Inc. \_\_\_\_\_ of Keker & Van Nest, LLP, appeared for Plaintiff and Counter-Defendant, Netflix, Inc.

After receiving and reviewing the papers filed in support of an opposition to the motion and hearing arguments of counsel, IT IS HEREBY ORDERED AS FOLLOWS:

1. Blockbuster's motion is granted.

2. All of Netflix's objections to Blockbuster's First Set of Requests for Production have been waived.

3. Netflix is ordered to forthwith produce to Blockbuster all documents and tangible things in Netflix's possession, custody or control [that are requested in Blockbuster's First Set of Requests for Production] [that are requested in any of Requests Nos. 3-5, 10-16, 24-26, 32, 34-36, 46-49, 52-54, 55-57, 67-71, 73-74, 78-81, 86, 88-90, 93-100, 105, 113-17, 119, 128-29, or 130-32 of Blockbuster's First Set of Requests for Production].

4. The sole exceptions to the foregoing are:

a. Netflix may limit its responses to Requests Nos. 55, 69, 79, 90, 99, 100, 105, 113, and 114 to documents and things sufficient to fully describe the prior art referred to in such requests and Netflix's knowledge of such art;

b. Netflix may limit its responses to Requests Nos. 35 and 36 to matters known to PERSONS UNDER A DUTY OF CANDOR as defined in Blockbuster's First Set of Requests for Production; and

c. Netflix may exclude from its responses to Requests Nos. 35 and 36 any items purchased through Amazon.com or eBay.

DATED:

Honorable Joseph C. Spero  
United States Magistrate Judge